

ORDINANCE NO. 2001 - 035

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT 00-SCA 78 COM 2 (MATT'S AUTO); MODIFYING PAGE 78 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 0.56 ACRES GENERALLY LOCATED APPROXIMATELY 150 FEET SOUTH OF LAKE WORTH ROAD, AND APPROXIMATELY 350 FEET WEST OF CONGRESS AVENUE, FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH (CH); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on December 8, 2000, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on August 23, 2001,
4 to review the recommendations of the Local Planning Agency and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the Future Land Use Atlas of the Land Use
13 Element of the 1989 Comprehensive Plan

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 A. Future Land Use Atlas page 78 is amended as follows:

17 Application No.: 00-SCA 78 COM 2 (Matt's Auto)

18 Amendment: From High Residential, 8 units per acre
19 (HR-8) to Commercial High (CH);

20 General Location: Approximately 150 feet south of Lake Worth
21 Road, and approximately 350 feet west of
22 Congress Avenue;

23 Size: Approximately 0.56 acres;

24
25 Part II. Repeal of Laws in Conflict

26 All local laws and ordinances applying to the unincorporated area
27 of Palm Beach County in conflict with any provision of this ordinance
28 are hereby repealed to the extent of such conflict.

29 Part III. Severability

30 If any section, paragraph, sentence, clause, phrase, or word of
31 this Ordinance is for any reason held by the Court to be
32 unconstitutional, inoperative or void, such holding shall not affect
33 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provisions of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 This amendment shall not become effective until 31 days after
9 adoption. If challenged within 30 days after adoption, this amendment
10 shall not become effective until the state land planning agency or the
11 Administration Commission, respectively, issues a final order
12 determining the amendment is in compliance.

13 APPROVED AND ADOPTED by the Board of County Commissioners of

14 Palm Beach County, on the 23 day of August, 2001.

15
16 ATTEST:
17 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

18
19 By Joan Havers
20 Deputy Clerk

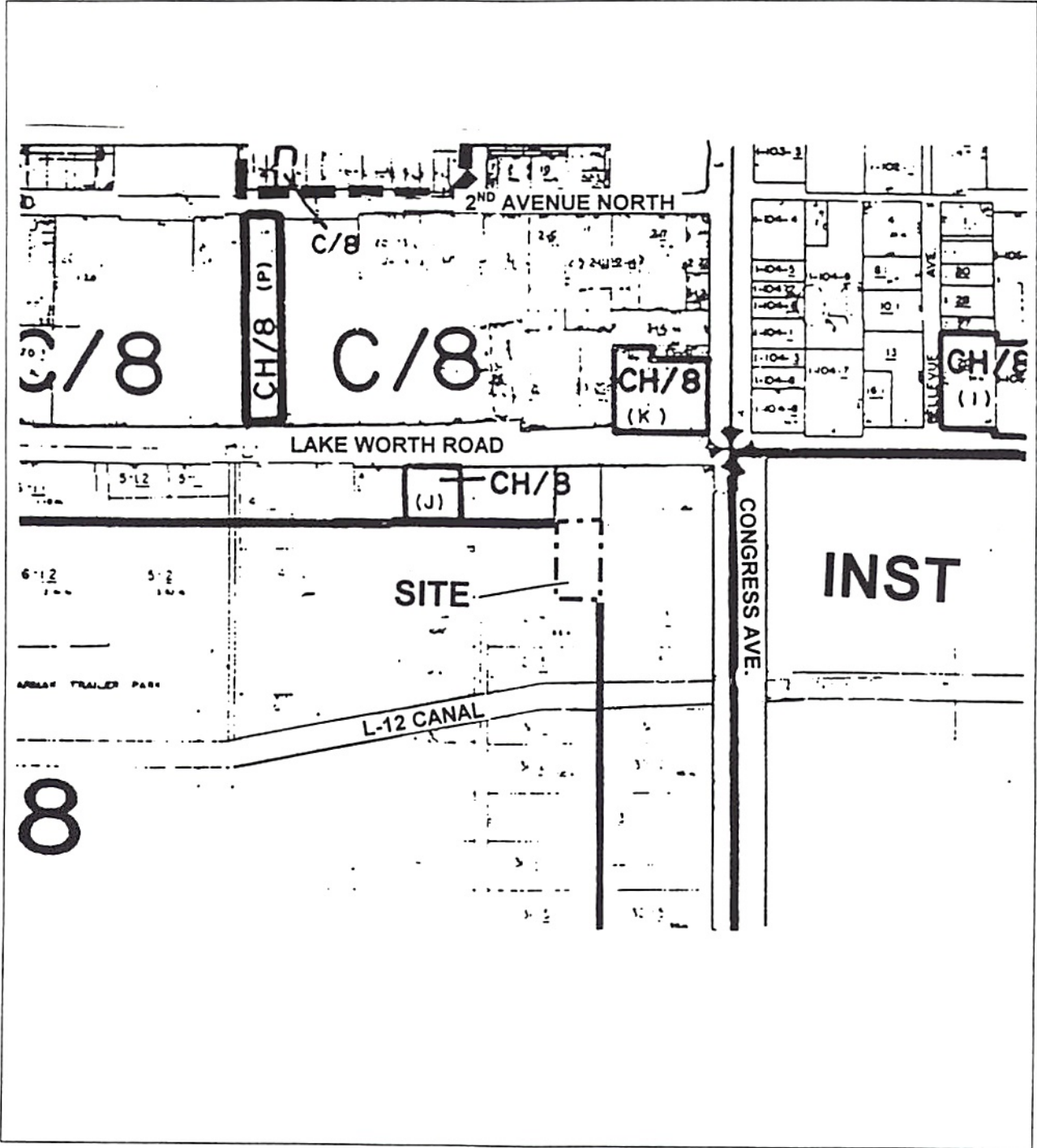
By Warren H. Newell
Warren H. Newell, Chairman

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23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
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25
26 * COUNTY ATTORNEY

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28 Filed with the Department of State on the 29th day
29 of August, 2001.
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EXHIBIT 1

Amendment No.: 00-SCA 78 COM 2 (Matt's Auto)
Amendment: From High Residential, 8 units per acre (HR-8) to Commercial High (CH)
Location: Approximately 150' south of Lake Worth Road, approximately 350' west of Congress Avenue.
Size: Approximately 0.56 acres
Property No.: 00-43-44-30-01-002-0011 (a 0.56 acre portion of a 0.96 acre parcel)
Legal Description: See attached
Conditions: None



Legal Description:

PARCEL "B"

Lots A, B, and C in Block 2, PALM BEACH FARMS CO. PLAT NO. 7, being a subdivision of Section 30, Township 44 South, Range 43 East, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, In Plat Book 5, Page 72, LESS the West 200 feet thereof, and EXCEPT the North 35 feet of Lot "A", Block 2, as appropriated by Palm Beach County for Right-of-Way and drainage purposes for State Road 802, as in Min. Circ. Ct Book 86, Page 45, Public Records of Palm Beach County, Florida.

LESS and EXCEPT the northerly 150 feet, as measured perpendicular to the North line thereof, of the above described parcel.

Containing 0.559 Acres or . 24,329.81 sq. ft.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 23, 2001
DATED at West Palm Beach, FL on 9/5/01.
DOROTHY H. WILKEN, Clerk
By: Mame Brown D.C.